

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

570I0482

## HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB 72** - 02/22/2003

Introduced by: Senators McCracken, Apa, Bogue, Moore, Sutton (Dan), and Vitter and  
Representatives Konold, Burg, Cutler, Frost, Madsen, Nesselhuf, Schafer,  
Sebert, Sigdestad, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to notice for insufficient  
2 funds checks.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-41-3.1 be amended to read as follows:

5 22-41-3.1. The holder of an insufficient funds check shall, before presenting it to the state's  
6 attorney for prosecution, serve a notice of dishonor upon the writer of the check, by registered  
7 or certified mail, return receipt requested, or by first class mail, supported by an affidavit of  
8 mailing sworn and retained by the sender, in the United States mail and addressed to the  
9 recipient's most recent address known to the sender. If the notice is mailed and not returned as  
10 undeliverable by the United States Postal Service, notice shall be conclusively presumed to have  
11 been given on the date of mailing. The holder of the dishonored check shall upon return of the  
12 receipt hold it for a period of at least five days, or eight days if notice is given by first class mail,  
13 and upon the expiration of that period shall present the check with the attached bank return,  
14 return receipt or affidavit of mailing, and copy of the dishonor notice to the state's attorney for



1 prosecution.